



WEB COPY



C.M.P.No.22302 of 2017

in

A.S.No.696 of 2017

M.SUNDAR, J.,

and

K.GOVINDARAJAN THILAKAVADI, J.,

[Order of the Court was made by M.SUNDAR, J.,]

Captioned main appeal arises out of a partition suit being O.S.No.155 of 2013 on the file of 'III Additional Judge's Court, Salem' [hereinafter 'said trial Court' for the sake of convenience and clarity] and it is directed against a 'preliminary decree dated 14.11.2017' [hereinafter 'impugned decree' for the sake of convenience and clarity]. To be noted, O.S.No.155 of 2013 is a partition suit between blood brothers.

2. As the main appeal is a regular first appeal under Section 96 of 'the Code of Civil Procedure, 1908 (5 of 1908)' [hereinafter 'CPC' for the sake of convenience and clarity], Hon'ble predecessor Bench vide an order dated 09.07.2018 has made usual routine order which reads as follows:

'There will be an order of interim stay of passing final decree alone. Final decree proceedings shall go on. Post the matter after four weeks.'



WEB COPY

3. Thereafter, we are informed that no application for final decree has been made. In other words, no final decree proceedings has been initiated.

4. In the *interregnum*, there is a transposition prayer vide C.M.P.No.1476 of 2024 in A.S.No.696 of 2017 and an order has been made on the same today (11.03.2024).

5. In the light of the narrative thus far, we deem it appropriate to make the aforementioned 09.07.2018 order i.e., an order of limited stay of passing of final decree alone (making it clear that final decree proceedings shall go on) absolute. The interim order dated 09.07.2018 is made absolute.

Captioned CMP is disposed of in the aforesaid manner. There shall be no order as to costs.

[M.S., J] [K.G.T., J]
11.03.2024
(2/3)

mk

M.SUNDAR, J.,
and



WEB COPY



K.GOVINDARAJAN THILAKAVADI, J.,

mk

C.M.P.No.22302 of 2017
in
A.S.No.696 of 2017

11.03.2024
(2/3)